

COURTESY TRANSLATION

RESOLUTION OF THE STATE AVIATION SAFETY AND SECURITY AGENCY (AES) MANAGEMENT OF 18 MARCH 2020, ISSUING AN EXEMPTION, PURSUANT TO ARTICLE 71 OF REGULATION (EU) 2018/1139, FOR THE EXTENSION OF THE VALIDITY PERIODS OF LICENCES, RATINGS, FLIGHT CREW CERTIFICATES, INSTRUCTORS, EXAMINERS, AIRCRAFT MAINTENANCE LICENCE HOLDERS AND AIR TRAFFIC CONTROLLERS, AS WELL AS AN ALTERNATIVE METHOD OF COMPLIANCE IN ACCORDANCE WITH THE PROVISIONS OF ARO.GEN.120 OF REGULATION (EU) 965/2012 FOR THE REDUCTION OF THE MINIMUM ADVANCE NOTICE REQUIRED FOR THE PUBLICATION OF CREW ROSTERS, IN RELATION TO THE SITUATION CREATED BY THE GLOBAL CRISIS OF COVID-19 CORONAVIRUS.

The situation created by the COVID-19 global crisis has led to the imposition of drastic travel restrictions and the closure of borders between many countries.

Holders of commercial pilot licenses issued under the Part FCL, who are required to perform both proficiency checks (LPC) to revalidate the validity periods of the operator's class, type and instrument ratings and recurrent training and checks of the operator (OPC), to continue to exercise their license privileges within their operators, are unable to gain proper access to the sites and simulators (FSTD) where such training and checking activities take place and their ratings would therefore expire.

The same applies to holders of Instructor and Examiner Certificates under Part FCL, who require a competency assessment to revalidate their Instructor or Examiner privileges in order to continue to exercise their functions.

Holders of Class 1 medical certificates, as well as Class 3 medical certificates, who are required to take a recurring medical examination to revalidate their certificates and continue to exercise their licensing privileges, have limited access to Aero-Medical Examiners (AME) and Medical Centers (AeMC) to perform scheduled examinations.

In equivalent circumstances are holders of cabin crew certificates regarding their medical reports/certificates.

Holders of air traffic controller licenses under Regulation (EU) 2015/340 are experiencing difficulties both in the performance of training and in the use of synthetic training devices (STDs) to complete their scheduled refresher and assessment training activities, as well as in access to examinations for the maintenance of language proficiency. The same is the case for holders of On-the-Job Training Instructors (OJTI), Synthetic Training Device Instructor (STDI) and Assessors who require prior training and assessment to revalidate their instructor and assessor privileges.

Additionally, holders of air medical examiner's certificates under Part MED of Regulation (EU) 1178/2011 and Part ATCO.MED, who perform examinations to holders of Class 1 and Class 3 certificates may experience difficulties to obtain renewal of these privileges through their competent Authorities.

Holders of Part-66 aircraft maintenance licenses may also have difficulties in renewing their licenses in a timely manner.

As a result of the above-mentioned unforeseen circumstances it is necessary to apply this exemption to holders of European licenses, ratings and certificates as well as to operators/providers of air navigation services/maintenance organisations in order to ensure a certain continuity of the level of operation of the organisations for which Annex III (Part-ORO) of Regulation (EU) 965/2012 or Annexes I and IV of Regulation (EU) 2015/340 are applicable.

This exemption is intended to reduce the severity of disruption which would otherwise occur in the field of commercial operations due to the unavailability of sufficient flight and cabin crews as well as air traffic controllers and holders of an aircraft maintenance license to operate on behalf of the abovementioned organisations.

Additionally, due to the multiple changes and cancellations of flights resulting from the abovementioned situation, air operators cannot publish stable activity schedules in the usual time anticipation. Therefore, it is necessary to publish an alternative method of compliance of a temporary nature, which allows for the reduction of such anticipation.

Having assessed the specific situation, this Directorate

RESOLVES:

First: Purpose

This resolution, pursuant to Article 71 of Regulation (EU) 2018/1139, grants exemptions from the applicable requirements referred to in Section 2, provided that the conditions set out in the subsequent sections referred to above are met.

Additionally, in accordance with the provisions of ARO.GEN.120 of Regulation (EU) 965/2012, an alternative means of compliance is established as set forth in Section Seventh.

Second: Scope

This resolution is applicable to licenses, ratings and certificates issued by the State Aviation Safety and Security Agency (AESA), and with regard to section seven, to operators to whom the State Aviation Safety and Security Agency (AESA) has issued the corresponding Air Operator's Certificate.

a) Exemption from the requirements of Regulation (EU) No 1178/2011, in particular the following points:

- FCL.625, FCL.740, FCL.940 and FCL.1025 of Annex I (Part-FCL)
- MED.A.045, MED.C.030 and MED.D.030 of Annex IV (Part-MED);

as set out in Section Third of this resolution.

b) Exemption from the requirements of Regulation (EU) No 965/2012, in particular the following points:

- ORO.FC.130, ORO.FC.230, ORO.FC.330, ORO.CC.140 and ORO.TC.135 of Annex III (Part-ORO), and SPA.DG.105 a)

as set out in Section Fourth of this resolution.

c) Exemption from the requirements of Regulation (EU) No 2015/340, in particular the following points

- ATCO.B.020, ATCO.B.035, ATCO.C.20, ATCO.C.040 and ATCO.C.060 of Annex I (Part-ATCO)
- ATCO.MED.A.045 and ATCO.MED.C.025 in Annex IV (Part-ATCO.MED).

as set out in Section Fifth of this resolution.

d) Exemption from the requirements of Regulation (EU) No 1321/2014, in particular the following points:

- 66.A.40 of Annex III (Part-66).

as set out in Section Sixth of this resolution.

Third: Exemptions within the scope of Regulation (EU) No 1178/2011

a) For holders of Aviation Medical Examiner (AME) certificates with Class 1 Medical Certificate privileges (MED.D.001(d)), who hold an AME certificate valid as of 14th of March 2020, and whose regular period of validity expires before 31st of July 2020, the validity of such certificate is extended until the date of validity of this resolution.

b) For holders of Cabin Crew Medical Reports (MED.C.030) who hold a report without limitations other than visual limitations, valid as at 14th of March 2020, and whose regular period of validity expires before 31st of July 2020, the validity of such report is extended until the validity date of this resolution.

c) For holders of language proficiency endorsements according to Part FCL.055, valid on 14th March 2020, whose regular period of validity expires before 31st July 2020, the validity of such endorsement is extended until the date of validity of this resolution.

d) For instructors and examiners participating in activities for personnel referred to in (e), who hold instructor and/or examiner certificates/qualifications valid on 14th March 2020, and whose regular period of validity expires before 31st July 2020, the validity of such entry is extended until the validity date of this ruling. A TRE designated by AESA, on proposal of the operator, shall write in the corresponding certificate the new date of validity of the certificate.

e) For holders of Commercial Pilot Licenses (CPL, MPL, ATPL) issued under the Part FCL, which meet the following conditions:

1. Have a class, or type rating to operate aircraft of such classes and types included in organisations for which Annex III to Regulation (EU) 965/2012 is applicable
2. Operate under the management system of an organisation to which the Part ORO is applicable.
3. Have received alternate refresher training, followed by the completion of an assessment, according to means and methodologies established by the operator to determine that the required level of knowledge to operate the class

or type of aircraft is maintained. This assessment shall include abnormal and emergency procedures specific to the class or type of aircraft. This training and assessment may be included in that referred to in Section Fourth (c)(1)(ii) of this resolution.

Class, type and instrument ratings included in the license, referred to in (e)(1), which are valid on 14th of March 2020, and whose ordinary period of validity expires before 31st of July 2020, are extended by 4 months.

The new expiry date after application of the extension of validity referred to in the previous paragraph shall be written into the license by an TRE appointed by the operator, once the refresher training and assessment referred to in point (3) above have been successfully completed.

- f) For Class 1 Medical Certificates issued under Part MED to holders of ratings and certificates referred to in point e), which do not contain limitations, other than visual limitations, valid on 14th of March 2020, and whose ordinary period of validity expires before 31st of July 2020, the validity of such certificate is extended by 4 months.
- g) Before the end of the 4-month period referred to in e), if AESA considers that the reasons for the issuance of this exemption still apply, the validity period of the rating or certificate may be extended for another 4 months or until the end of the validity period of this resolution, whatever occurs before.

Fourth: Exemptions within the scope of Regulation (EU) No 965/2012

- a) For the recurrent training and checks referred to in (b), which are carried out by operators subject to compliance with Part ORO, Annex III (AOC, SPO and NCC operators), and whose periodicity requires that they be carried out between 14th of March 2020 and 31st of July 2020, their validity shall be extended by 4 months.
- b) In particular, the training and checks whose validity can be extended are:
 - 1. Operator Proficiency Checks (OPCs) according to the requirements of ORO.FC.130, ORO.FC.230 b) and ORO.FC.330
 - 2. Training and checks of emergency and safety equipment in accordance with requirement ORO.FC.230 d)
 - 3. Periodic ground and simulator/flight training in accordance with the requirement of ORO.FC.230(f)
 - 4. Recurrent training and checks in accordance with the requirement of ORO.CC.140.
 - 5. Recurrent training of technical crew in HEMS, HHO or NVIS operations in accordance with requirement ORO.TC.135.
 - 6. Recurrent training of dangerous goods in accordance with requirement SPA.DG.105(a).
- c) Operators needing to use this exemption shall notify the air operations department and shall comply with the following:

1. In the case of Operator Proficiency Checks (OPCs), in accordance with the requirements of ORO.FC.230 (b), the operator (AOCs) shall ensure that flight crew members benefiting from this exemption:
 - i. Hold a valid type or class rating to operate the operator's aircraft
 - ii. Have received alternative refresher training to that which they are unable to undertake, followed by an assessment, by means and methodologies established by the operator to determine that the required level of knowledge to operate the class or type of aircraft is maintained. Such assessment shall include abnormal and emergency procedures specific to the class or type of aircraft and operation concerned, as well as SPA part-specific procedures, as applicable to each operator.
 2. In the case of Operator Proficiency Check (OPC) in accordance with requirement ORO.FC.330, for Commercial Specialised Operation (SPO) and commercial air transport operations in accordance with ORO.FC.005(b)(1) and (b)(2) (VFR panoramic AOC with non-complex aircraft or less than 5 passengers), an operator shall ensure that crew members perform an alternative non face to face training (on-line, CBT, video...)
 3. In case of emergency and safety equipment training and checks in accordance with ORO.FC.230(d), the operator shall ensure that crew members perform non face-to-face (on-line, CBT, video ...) alternate training.
 4. In case of ground and simulator/flight recurrent training in accordance with ORO.FC.230(f), an operator shall ensure that crew members perform alternative (on-line, CBT, video ...) training.
 5. In the case of cabin crew recurrent training and checks, in accordance with ORO.CC.140, the operator shall ensure that crew members perform alternative non face to face training (on-line, CBT, video, etc.)
 6. In the case of recurrent technical crew training in HEMS, HHO or NVIS operations in accordance with the requirement of ORO.TC.135, the operator shall ensure that crew members perform alternative non-face to face training (on-line, CBT, video...).
 7. In the case of recurrent training of dangerous goods, in accordance with requirement SPA.DG.105(a), the operator shall ensure that crews and other personnel concerned with the operation are kept up to date with any changes to the technical instructions which affect their performance.
 8. For all the above cases the operator shall properly manage, in accordance with the requirement of ORO.GEN.200, the risk associated with the exemption requested.
- d) Before the end of the 4-month period referred to in (e), if AESA considers that the reasons for the issuance of this exemption still apply, the validity period of the rating or certificate may be extended for another 4 months or until the end of the validity period of this resolution, whatever occurs first.

Fifth: Exemptions within the scope of Regulation (EU) No 2015/340

- a) For holders of Air Traffic Controller Unit endorsements according to ATCO.B.020 of the Part-ATCO, which are valid on 14th March 2020, and whose regular period of validity expires before 31st July 2020, the validity of these endorsements is extended by 4 months, under the following conditions:
1. the person concerned or the organisation to which is providing services, if it has been delegated to do so, shall submit the application for revalidation indicating that it is being carried out under the terms of this resolution.
 2. the air navigation service provider shall ensure that the potential unavailability of training or synthetic training devices (STD) is mitigated by other means, such as computer-based training (CBT) or the re-planning of refresher training as soon as possible.
- b) For holders of Air Traffic Controller Language Proficiency endorsements under ATCO.B.035 of Part-ATCO, which are valid on 14th of March 2020, and whose regular period of validity expires before 31st of July 2020, the validity of these endorsements is extended by 4 months, subject to the following condition:
1. the person concerned or the organisation to which is providing services, if it has been delegated to do so, shall submit the application for revalidation indicating that it is being carried out under the terms of this resolution.
 2. in the event of unavailability of a language assessment center, the air navigation service provider shall ensure language training by other means, such as on-line courses.
- c) For holders of the on the job training instructor (OJT), synthetic training device instructor (STDI) and Assessor endorsements, under ATCO.C.020, ATCO.C.040 and ATCO.C.060 respectively of the Part-ATCO, valid as of 14th of March 2020, and whose ordinary period of validity expires before 31st of July 2020, the validity of such endorsements is extended by 4 months, under the following condition:
1. the person concerned or the organisation to which is providing services, if it has been delegated to do so, shall submit the application for revalidation indicating that it is made under this resolution.
- d) In addition, Part-ATCO Class 3 medical certificates in accordance with ATCO.MED.A045 of Part-ATCO-MED of holders of ratings and certificates referred to in this point, which do not include limitations, other than visual limitations, valid as of 14th of March 2020, and whose ordinary period of validity expires before 31st of July 2020, are extended by 4 months.
- e) For holders of Air Medical Examiner (AME) certificates with Class 3 Medical Certificate privileges (Part-ATCO.MED), who hold an AME certificate valid as at 14th of March 2020,

and whose regular period of validity expired before 31st of July 2020, the validity of such certificate is extended until the validity date of this resolution.

- f) Before the end of the 4-month period referred to in (a), (b), (c) and (d), if AESA considers that the reasons for the issuance of this exemption still apply, the validity period of the endorsement or certificate may be extended for a further 4 months or until the end of the validity period of this ruling, whatever occurs first, upon request for revalidation indicating that it is carried out under this resolution by the concerned person, or the organisation to which is providing services in the case of having delegated the submission to it, in cases (a), (b) and (c).

Sixth: Exemptions within the scope of Regulation (EU) No 1321/2014

- a) For holders of aircraft maintenance licenses issued in accordance with Part 66 that are valid on 14th of March 2020, and whose regular period of validity expires before 31st of July 2020, the validity of such license is extended by 4 months.
- b) In no case, shall the personnel on whom there is any pending compliance action in accordance with point 66.B.500 of Part 66, be able to exercise certification privileges.
- c) Prior to the end of the 4 month period referred to in (a), if AESA considers that the reasons for the issuance of this exemption still apply, the validity of the license may be extended for a further 4 months or until the end of the validity period of this resolution, whatever occurs first.

Seventh: Alternative means of compliance within the scope of Regulation (EU) No 965/2012

- a) The following is established as a temporary alternative means of compliance (AltMOC) to point ORO.FTL.110 (a) of Commission Regulation (EU) No 965/2012:

"Rosters should be published 5 days in advance".
- b) In order to make use of the alternative means of compliance, the operator shall notify the air operations department of the need to adhere to the AltMOC and ensure that, in accordance with the requirement of ORO.GEN.200, the associated risk has been properly managed and the necessary mitigation measures implemented, which at least shall include:
 - 1. Specific fatigue monitoring on short notice scheduled flights.
 - 2. Measures to protect recurrent extended recovery rest periods and rest periods.

Eighth: Validity

This Resolution shall be effective from March 14th of 2020 until November 14th of 2020, inclusive.

Each one of the measures referred to in this Resolution will be applied within the deadlines established in the respective sections; measures and deadlines that may be modified by means of a new Resolution of this Directorate.

Ninth: Advertising

This Resolution or any of its modifications shall be made public on AESA's website and published in the State Official Journal.

Against this Resolution, ending the administrative process, contentious-administrative appeal may be interposed, to the Central Contentious-Administrative Courts of Madrid, within a period of two months from the day after the publication of this act, in accordance with Article 46.1 of Law 29/1998 of 13 July, Regulators of the Contentious-Administrative Jurisdiction or, alternatively, an appeal for reversal to the Director of AESA, in accordance with the provisions of article 123 of Law 39/2015, of October 1, on the Common Administrative Procedure of Public Administrations, within one month from the day after the publication of this act.

The Director of the State Aviation Safety and Security Agency

Signed: Isabel Maestre Moreno.